

October 27, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, October 27, 2004, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
RHONDA G. HENDERSON, Planning Director
WILLIAM L. VAUGHN, Director of Community Development
DIANA C. STULTZ, Zoning Administrator
DOTTIE L. BOWEN, Deputy Clerk
DONALD KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION.

Chairman Ahrend called the meeting to order at 6:00 p.m.

Deputy County Administrator King led the Pledge of Allegiance, and Supervisor Breeden gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board approved the minutes dated October 13, 2004.

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STUDENTS WELCOMED.

The Board welcomed students from Turner Ashby High School government class.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution.

RESOLUTION NO. 04-24

WHEREAS, the street(s) described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.34 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: South Mountain Village
Name of Street: Rte 1043 (South Mountain Drive) Length 0.14 mile
From: End of Existing Rte 1043 (South Mountain Drive)
To: Cul de sac
Guaranteed right-of-way width: 50 feet..
Plat Recorded, Date: September 3, 2002 Deed Book: 2291 Page 673

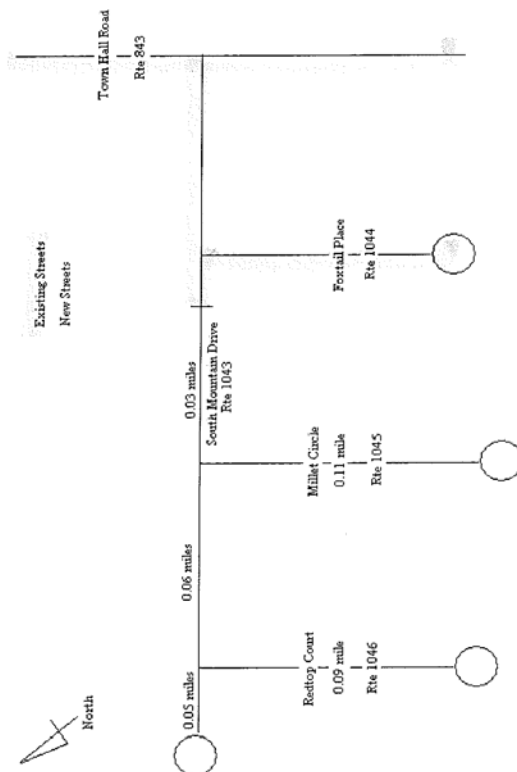
Name of Subdivision: South Mountain Village
Name of Street: Rte 1045 (Millet Circle) Length 0.11 mile
From: Rte 1043 (South Mountain Drive)
To: Cul de sac
Guaranteed right-of-way width: 50 feet..
Plat Recorded, Date: September 3, 2002 Deed Book: 2291 Page 673

Name of Subdivision: South Mountain Village
Name of Street: Rte 1046 (Redtop Court) Length: 0.09 mile
From: Rte 1043 (South Mountain Drive)

To: Cul de sac
 Guaranteed right-of-way width: 50 feet.
 Plat Recorded, Date: September 3, 2002 Deed Book: 2291 Page: 673

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.



Supervisor Kyger asked whether the slope repair being made on Route 257 in Bridgewater was due to the continued heavy traffic flow. Mr. Komara said that it was due to the heavy flow and a combination of the effect of the recent wet weather on that steep slope.

Supervisor Kyger asked that Mr. Komara use his influence to accelerate the building of the Bridgewater bypass, which is very much needed. Mr. Komara noted that the Town has done a good job on building up the shoulders of the road.

Supervisor Cuevas reminded Mr. Komara of several projects in his district that should be scheduled for the spring of 2005.

In reply to a question from Supervisor Breeden, Mr. Komara advised that several options are being investigated for Island Ford Road, including the possibility of a median addition, additional signs, and removal of trees.

Supervisor Floyd reiterated his interest in banning trucks from Route 689. He said he was still getting complaints about the bump in the road coming off Route 689 and the camera malfunctioning at Routes 704 and 33. Mr. Komara agreed to look into those items.

Supervisor Ahrend asked Mr. Komara to look into the status of the road project on Ladybird Road.

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REPORT - CONSERVATION EASEMENT PROGRAM.

The Board heard a report concerning the Virginia Conservation Easement Program by Ms. Faye C. Cooper, Virginia Outdoors Foundation.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated October 22, 2004, including information on a mass casualty/bio-terrorism drill held on October 22 and October 23, 2004, which gave an opportunity for the local emergency planning team to walk through a scenario that tested all phases of the emergency operations plan, negotiations regarding the joint radio communications system, and an International County Managers Association (ICMA) meeting which he recently attended.

Without objection, the Board agreed to hold a work session at 1:00 p.m. on November 17, 2004, on the joint radio communications system.

Mr. Paxton advised that the Coors Shenandoah facility was applying for a \$450,000 grant from the Virginia Department of Transportation rail improvement program, a program that requires endorsement from the local government for consideration to be received by the State, with a total project cost estimated to be \$600,000. This project is a crucial component of their plans to construct a brewery in Rockingham County.

On motion by Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board adopted the following resolution NO. 04-25.

**RESOLUTION SUPPORTING
INDUSTRIAL ACCESS RAILROAD TRACK FUNDS**

WHEREAS, Coors Brewing Company, Shenandoah Division, has expressed its intent and desire to the Board of Supervisors of the County of Rockingham, Virginia, to construct a \$160 to \$190 million brewing facility in Rockingham County; and

WHEREAS, Coors Brewing Company, Shenandoah Division, and its operation will require expansion of rail access to serve the expanded facility; and

WHEREAS, the officials of Coors Brewing Company, Shenandoah Division, have reported to the County their intent to apply for Industrial Access Railroad Track Funds, from the Virginia Department of Rail and Public Transportation, in the amount of \$450,000; and

WHEREAS, Coors Brewing Company, Shenandoah Division, has requested that the Board of Supervisors provide a resolution supporting the Coors application for said funds, which are administered by the Virginia Department of Rail and Public Transportation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Rockingham County, Virginia, hereby endorses and supports the application of Coors Brewing Company, Shenandoah Division, for \$450,000 in Industrial Access Railroad Track Funds; and

BE IT FURTHER RESOLVED that the Board hereby makes known its desire and intent by this Resolution to assist the Commonwealth Transportation Board in providing the maximum financial assistance to Coors Brewing Company, Shenandoah Division for the purpose of constructing a brewing facility in Rockingham County.

On behalf of the Finance Committee, Supervisor Cuevas reported that the Fire & Rescue Department received a request from the Elkton Rescue Squad for an advance of \$35,000 to assist it in purchasing a new ambulance. He pointed out that the substation was created at the request of the County and Great Eastern to assist with response times in the resort and in the more densely populated McGaheysville areas. He noted that Elkton financed the first ambulance but, when the second vehicle needed repair, repairs were judged not to be cost effective. He advised that the Squad agreed to reduce its allotment by \$3,500 per year for the next 10 years to offset the advance. He moved to authorize the request from the Elkton squad, recognizing the unique circumstances that caused this request to occur and stated that any future requests of a similar nature should be made to staff for review and recommendation to

the Board. Supervisor Breeden seconded the motion, with voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated October 22, 2004, including information concerning wireless telephone service, preparations for the November General Election, Cooks Creek and Blacks Run TMDL and Landfill groundwater monitoring.

He reported that bids were solicited jointly with the County Schools, City of Harrisonburg, and Harrisonburg Schools, in an effort to obtain the most cost-effective service possible. He advised that the potential service included 335 phones, including 140 for Rockingham County personnel. He pointed out an attachment to his report, an analysis of the submitted proposals, and noted that staff recommended that the contract for wireless telephone service be awarded to CellONE. He advised that the contract would be for two years with the ability to extend for up to two one-year periods thereafter, and pointed out an attachment to his report, which described the type of phone (Motorola E310) that would be available for Board members. He noted that funds for wireless telephone service were included in the budget for each respective Department and pointed out that, with the first two months of service from CellONE being at no cost and the reduction in monthly per-phone fees, the County could expect savings on the order of \$1,000 per month.

Mr. Brown reported that the County Administrator received a letter on October 26, 2004, from Ntelos, requesting that the County re-bid the contract because Ntelos believed it could offer the County better value if the service were to be bid separately. He noted that Ntelos offered to give the County free service during the re-bid and would guarantee to match the lowest bid in the County's possession from the September 3, 2004, process. Mr. Brown stated that he had reviewed the Virginia Public Procurement Act under which the County would be obligated to accept the lowest bidder to the RFP recently distributed.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board awarded the contract for wireless telephone service to the lowest bidder, CellONE, for two years, with the ability to extend for up to two one-year periods thereafter.

A summary of the bids follows:

ANALYSIS OF WIRELESS TELEPHONE PROPOSALS
22-Oct-04

Looking at County Phones Only

<u>Vendor</u>	<u># of Phones</u>	<u>Minutes per phone</u>	<u>Total Minutes</u>	<u>Monthly Fee Per Phone</u>	<u>Monthly Charge</u>	<u>Charge per Minute</u>
Cellular One	140	275	38,500	\$ 11.08	\$ 1,551.20	\$ 0.0403
Ntelos	140	275	38,500	\$ 18.00	\$ 2,520.00	\$ 0.0655
Verizon Wireless	140	400	56,000	\$ 36.44	\$ 5,101.60	\$ 0.0911
Sprint PCS	140	275	38,500	\$ 26.25	\$ 3,675.00	\$ 0.0955
Trinity Group-Nextel	Unable to accept bid due to late submittal.					

Cellular One Local Network Area includes calls received/made in Rockingham, Augusta, Nelson, and High Counties, and the cities/towns within (includes roaming).

Local Network minutes do not include CellOne to CellOne or CellOne to switchboard or emergency.
First incoming minute in Local Network Area is free.
5,000 minutes Nationwide Travel Minutes (i.e. outside Local Network Area)
\$0.10 per minute for Nationwide Travel Minutes (in Virginia) in excess of 5,000.
First 2 months free; savings of \$3,100

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Hoover’s staff report (prepared by Mr. King in her absence) dated October 22, 2004, including information concerning progress on the sewer project for Route 11 North; Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School water tank and waterline extension, Wal-Mart water and sewer project, Grottoes Container Site, and Water/Sewer specifications.

Supervisor Kyger asked Mr. King to contact Mill Cabinet and the farmer with property behind that business concerning their interest in having a natural gas line installed in the Bridgewater area.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Vaughn’s staff report dated October 22, 2004, including information concerning Rural Planning Caucus Conference to be attended by Community Development and Planning Directors, priority projects underway, the McGaheysville Area Study, summary of upcoming requests and tabled requests.

Mr. Vaughn reported that a temporary sign has been posted on the southern end of the County's Technological and Industrial Park (TIP) and noted that a second sign will be posted when the road construction begins. He also advised that the renovations to the Community Development Department offices have been completed.

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PUBLIC HEARING - REZONING REQUESTS.

At 7:00 p.m., Chairman Ahrend declared the meeting open for a Public Hearing on the following rezoning requests. Ms. Henderson reviewed the details of the requests.

RZ04-18, request of Henry & Ethel Burkholder, Lloyd F. Miller, Jr., Trustee of Linda Marsh Trust, c/o Dale Davenport, 342 S Main Street, Harrisonburg, to rezone 1.026 acres and 109 square feet from A2 (General Agriculture) to A1 (Prime Agricultural) and .656 acre from A1 to A2 on a portion of tax parcels 63 (A) 20 and 63 (A) 29, and located east of the intersection of Turleytown Road (Route 613) and Wills Creek Road, (Route 781) in Election District #2. The Comprehensive Plan designates this area as Agricultural Reserve. The Planning Commission recommended approval noting, "This rezoning request will make the zoning designation consistent with the fence that divides the two parcels."

There were no requests to speak on this application.

RZ04-19, request of BPML Properties, 17153 Mt. Pleasant Road, Elkton, c/o Pete Bonavita, 9984 Spotswood Trail, McGaheysville, to rezone 46.036 acres from A1 (Prime Agricultural) to R5 (Planned Residential) and 9.11 acres from A1 to B1 (General Business) on a portion of tax parcel 130 (A) 9, and located on the north side of Spotswood Trail (Route 33) approximately 700 feet east of Mt. Hermon Road (Route 829) in Election District #5. The Comprehensive Plan designates this area as Agricultural Reserve. R5 allows eight dwelling units per gross acre. The Planning Commission recommended denial, noting, "Approximately 90% of the site is identified as prime farmland or farmland of statewide importance. The site and the area to the north and west are comprised of agriculture and scattered residences, and are designated as Agricultural Reserve in the Comprehensive Plan."

The Plan defines Agricultural Reserve as areas planned for agricultural uses and uses that support agriculture. The Town line serves as a growth line, where the more compact residential growth and commercial activity are located. While this site adjoins the Town, it is an effective buffer between the residential and commercial development in the Town and the agricultural areas to the north and west of the Town. The proposed development is incompatible with the designation of the site as Agricultural Reserve. The Town-County boundary line is an established, logical location for the line between residential and commercial development and the agricultural designation, especially land zoned A-1 and designated as Agricultural Reserve under the Comprehensive Plan. The development rate proposed for the site would threaten the agricultural areas to the north and west of the site and would overburden the already crowded schools."

Betty Michael, Tara Development Services, read a statement, advising that the type of development proposed was very much needed in the County and asking that the request be approved.

Tom Galvin, Rockingham Heritage Bank, read the following statement. "My name is Tom Galvin and I am the Manager of RHB in Elkton. Consequently, I am interested in the mix of growth in the eastern end of the County. When you look at downtown Elkton, you see an area that is growing very slowly, if at all. I am sure that all of you have read articles in the paper about the vacant buildings in the town. The only way that small towns can maintain a vibrant downtown is to have a population base that can support local merchants. The County needs to continue residential development to bring more people to the area. This translates into more demand for services, creating a positive business environment for more small business, which results in more tax collections and a more vibrant and prosperous area. This leads to a higher quality of life for both young and old. It seems logical that the County would promote growth close to towns with available water and sewer. For the town, more residences means that the overhead cost can be spread over more units, helping costs of these services to stay low. Also it reduces impact on ground water from septic systems. I would ask that you approve this development because it provides affordable housing that takes advantage of existing town services and helps build retail people traffic in the area that will benefit both the planned retail space in this development and downtown Elkton. This project is good for local residents and will help broaden retail opportunities. Maybe this can also attract the 6,000 weekly timeshare residents of Massanutten. I appreciate the opportunity to speak with you this evening;

and if you think that I can be of further assistance, please call me or drop by the Bank."

Pete Bonavita maintained that the project would benefit the community. He described how, when he came to the area 27 years ago, unemployment was high. He pointed out that economic growth had brought people to the community and required government services but he said no one would want Rockingham County to regress to a depressed area. He observed that many of the local young people were staying here in the community and not all of them wanted to live in Harrisonburg. He pointed out the plan would be developed around the Town as the Comprehensive Plan encourages. Directing the Board's attention to the map, he indicated that the site was surrounded by residential development with a shopping center on the east and a three-acre business-zoned parcel on the west. He observed that, although some people had suggested a buffer, he wondered if the Board really wanted to require a buffer between two businesses. He asserted that, if the site were used for farming, it would have a negative impact on the surrounding community. He referred to objections from the local shopping center and noted that, since he could not imagine a commercial shopping center discouraging growth, perhaps they did not want competition. He asked the Board not to base its decision on one page of the Comprehensive Plan since the next page would show that development was encouraged for sites with public water and sewer bordering towns. He noted that the site in question borders a town and has public water and sewer. He advised that the Town of Elkton had provided to him a letter approving the water and sewer.

Supervisor Cuevas noted that the housing need is not always for local residents. He pointed out that many of the complaints the County receives are from residents, who have moved to the Valley from other areas such as Maryland or Northern Virginia, and these are people who enjoy living near farmland. On the other hand, he pointed out that the Board must predict the amount of funding that will be needed to provide the services demanded by increases in the population. He reminded the Board of the large amount of land around McGaheysville that has been rezoned but not developed.

Matt Light, counsel for GBG Company, Elkton Plaza, said his clients were opposed to the request. He pointed out that the recently adopted Comprehensive Plan was the "product of many public hearings, great citizen involvement and much publicity," before the Board adopted the Plan, designating the site in question as "agriculture reserve." He reminded the Board of the site's A1 zoning, "the best farmland in the County." He said he did not think a compelling reason for rezoning had been made. He expressed

concerns about the traffic plan and the lack of crossovers in the "best places."

Bobbie Rae Monger said she did not think, "as a farm resident," she should be a "member of a town." She told the Board that, if the property was rezoned, then she would expect that her property would also be rezoned. She expressed concerns that, if the site were developed, water would drain onto the surrounding properties, which already have flooding problems. She was also concerned about future liability problems if children came from the applicant's property to play in the stream on her property. She asked if the Board would be ready to pay for the necessary public services if the property were developed.

Gary Sandrich said he was present to speak for his father, Millard Sandrich, owner of Lot 130-(A)-9A. He remarked that his father was concerned about the magnitude of "increasing the population of Elkton by 25 percent." He suggested the proposal be brought back "with a revised plan that is not as dense."

David Miller expressed concern about the "massive development proposed." He asked that the property be kept as a "green zone."

Gary Gooden said he did not think the proposed development was needed. He advised that there were already empty buildings in Elkton. He said he did not want the area he lived in to look like Harrisonburg.

Thomas Miller said he moved from Baltimore in 1961 to "get away from the city."

RZ04-20, request of Michael W. Pugh, 2340 South Main Street, Harrisonburg, to rezone 1.624 acres from B2 with Conditions (Rural Business Service) to B2 with Revised Conditions on tax parcel 107F (A) 1, and located northwest of the intersection of Monte Vista Drive and Rawley Pike (Route 33) in Election District 4. The Comprehensive Plan designates this area as Community Residential. The Planning Commission recommended approval, noting, "The proffers submitted by the applicant give a high level of predictability in regards to the potential uses of the site. The County's Comprehensive Plan encourages "a variety of shops and offices at the core or the edge of neighborhoods that supply the weekly needs of households." The inclusion of a financial institution is expected to be utilized by nearby residents and not negatively impact the area."

Mr. Pugh noted that a citizen had expressed concern about lighting and stated that he would

be "sensitive to the lighting needs of the community." He noted that his client would "entertain the idea of providing access to the neighboring religious education facility."

Doug Grandle, representing Montevista Estates, said he had spoken to everyone in the development and they were all "very happy with this." He indicated that he was also in favor of the request.

Kim Sandum said the County should "have ordinances for lighting." She said the lighting was her "biggest issue," and traffic was another issue. She noted that the sixth proffer mentioned hours of operation but noted that she had never seen an ATM that closed.

Ms. Henderson said the ATM was included as a use with the hours of operation excluded. She stated that the hours of operation referred to the hours the doors were open.

Ms. Sandum said "neon signs were not directional," and the lighting would not be pointed down. She asked the Board to "not mess up the community with a big, bright neon sign." She said her neighbors were also concerned about the traffic.

Dan Sandum said he lived across the street from the property. He said the traffic problem was going to be a "recipe for disaster."

Chairman Ahrend closed the public hearing and called the meeting back to order at 8:22 p.m.

At the request of Chairman Ahrend, on motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved Z04-18, request of Henry & Ethel Burkholder, Lloyd F. Miller, Jr., Trustee of Linda Marsh Trust, c/o Dale Davenport, 342 S Main Street, Harrisonburg, to rezone 1.026 acres and 109 square feet from A2 (General Agriculture) to A1 (Prime Agricultural) and .656 acre from A1 to A2 on a portion of tax parcels 63 (A) 20 and 63 (A) 29, and located east of the intersection of Turleytown Road (Route 613) and Wills Creek Road, (Route 781) in Election District #2.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled until November 17, 2004, RZ04-19, request of BPML Properties, 17153 Mt. Pleasant Road, Elkton, c/o Pete Bonavita, 9984 Spotswood Trail, McGaheysville, to rezone 46.036 acres from A1 (Prime Agricultural) to R5 (Planned Residential) and 9.11 acres from A1 to B1 (General Business) on a portion of tax parcel 130 (A) 9, and located on the north side of Spotswood Trail (Route 33) approximately 700 feet east of Mt. Hermon Road (Route 829) in Election District #5.

In response to a suggestion by Supervisor Kyger that staff look into the possibility of developing a comprehensive lighting plan to provide to future developers, the County Attorney advised that the County has no authority under State statutes to regulate lighting.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved RZ04-20, request of Michael W. Pugh, 2340 South Main Street, Harrisonburg, to rezone 1.624 acres from B2 with Conditions (Rural Business Service) to B2 with Revised Conditions on tax parcel 107F (A) 1, and located northwest of the intersection of Monte Vista Drive and Rawley Pike (Route 33) in Election District 4.

August 11, 2004

Rockingham County Planning Department
Planning Commission Board of Supervisors
20 East Gay Street
Harrisonburg, Virginia 22801

RE: Proffer of conditions
Rezoning request of Michael W. Pugh
Tax map # 107 F lot1
File # R204-20

In regard to the rezoning request identified above, the following conditions are submitted which are to be considered part of the rezoning request:

1. Permitted uses of the property shall be limited to:
Professional offices and Banks, Savings & loans or other financial offices, including drive-in types.
2. All development requiring sewage disposal shall be connected to and served by public water and sewer systems.
3. Access to Rt. 33 shall be limited to one (1) entrance.
4. A landscape buffer shall be established along the western and northern lines of the B-2 property to screen the existing and proposed residential uses.
5. Any use of the B-2 property shall exclude the sale of alcoholic beverages, on or off premises.

6. Hours of operation for any use of the B-2 property shall be limited to the time between 6:00 AM and 10:00 PM. excluding ATM operations on site.
7. In addition to the existing sign regulations the following shall apply:

There shall be only one freestanding sign located on the parcel

The freestanding sign shall not exceed 32 square feet, each side.

The freestanding sign shall not extend more than 30 feet above the finished grade.

No sign attached to a building shall extend above the roofline of the building.

No flashing or intermittent lighted signs shall be allowed.
8. Lighting of the B-2 property shall be provided in a manner, which will not create an unreasonable nuisance to adjacent properties. Only lighting necessary for security of the B-2 use shall be allowed between the hours of 10:00 PM and 6:00 AM.

Sincerely,

/s/ Michael W. Pugh

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PUBLIC HEARING - PENN LAIRD SEWER AUTHORITY.

At 8:54 p.m., Chairman Ahrend declared the meeting open for a Public Hearing on a resolution heretofore adopted by the Board of Supervisors, signifying its intention to create the Penn Laird Sewer Authority for the purpose of providing for the acquisition, construction, operation and maintenance of a sewer system for the collection and transport of sewage in the area designated on a map titled "Penn Laird Sewer System", and for the purpose of exercising all of the powers conferred by the "Virginia Water and Waste Authorities Act" in relation to the foregoing. The resolution referenced above also contains draft Articles of Incorporation of Penn Laird Sewer Authority, which appoint current members of the Rockingham County Board of Supervisors as the Authority Board, and provide that members of the Board of Supervisors shall serve as the future board members of the Authority Board, and which Articles establish \$1,047,800 as the preliminary estimate of capital cost associated with the Authority, with the estimate of the initial rates for services as \$20 for the first 3,000 gallons (\$20 minimum) and \$7 per 1,000 gallons over the initial 3,000 gallons, together with a connection fee of \$1,800 for existing buildings and \$3,600 for new buildings.

Mr. Brown reviewed the particulars of the resolution. There were no requests to speak on this matter.

Chairman Ahrend closed the public hearing and called the meeting back to order at 8:56 p.m.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 04-26, (confirming resolution adopted by the Board on September 22, 2004) establishing the Penn Laird Sewer Authority, approving the Articles of Incorporation and setting rates.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA, TO CREATE AN AUTHORITY PURSUANT TO THE PROVISIONS OF THE VIRGINIA WATER AND WASTE AUTHORITIES ACT, AS AMENDED, (TITLE 15.2, CHAPTER 51, ARTICLE 1 THROUGH ARTICLE 5, BOTH INCLUSIVE, OF THE CODE OF VIRGINIA, 1950, AS AMENDED) FOR THE PURPOSE OF PROVIDING FOR THE ACQUISITION, CONSTRUCTION, OPERATION AND MAINTENANCE OF A SEWER SYSTEM FOR THE COLLECTION AND TRANSPORT OF SEWAGE, AS AUTHORIZED BY SAID ACT, FOR THE PURPOSE OF EXERCISING THE POWERS CONFERRED BY SAID ACT IN RELATION TO THE FOREGOING, AND BY ANY ACTS AMENDATORY THEREOF, AND TO APPROVE RATES.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA, THAT:

Section One: the Board of Supervisors of Rockingham County, Virginia, hereby creates an Authority under the provisions of the Virginia Water and Waste Authorities Act, as amended (Title 15.2, Chapter 51, Article 1 through Article 5, both inclusive, of the Code of Virginia, 1950, as amended) (the "Act") for the purpose of providing for the acquisition, construction, operation and maintenance of a sewer system for the collection and transport of sewage as authorized by the Act, and for the purpose of exercising the powers conferred by the Act in relation to the foregoing.

Section Two: The proposed Articles of Incorporation of said Authority are as follows:

ARTICLES OF INCORPORATION
OF
PENN LAIRD SEWER AUTHORITY

In compliance with the Virginia Water and Waste Authorities Act, as amended, (Title 15.2, Chapter 51, Articles 1 through 5, both inclusive, of the Code of Virginia, 1950, as amended) the Board of Supervisors of Rockingham County, pursuant to a resolution duly adopted signifying its intention to form an Authority, and do hereby certify:

I. The name of the Authority shall be **PENN LAIRD SEWER AUTHORITY**, and the address of its principal office shall be 20 East Gay Street, Harrisonburg, Virginia, 22802.

II. The name of the incorporating locality is Rockingham County, Virginia, and the members of the Authority Board shall be composed of the then current members of the Board of Supervisors of Rockingham County, Virginia, and the names and addresses of the first members of the Authority Board are as follows:

NAME OF MEMBER	ADDRESS:	ELECTION DISTRICT
Pablo Cuevas	543 Elm Street Broadway, VA 22815	District # 1
Charles W. Ahrend	5679 Snapps Creek Road Singers Glen, VA 22850	District # 2
Dee E. Floyd	P.O. Box 68 Penn Laird, VA 22846	District # 3
William B. Kyger, Jr.	6710 Vista Heights Rd Bridgewater, VA 22812	District # 4
Michael A. Breeden	1716 Breeden Circle Elkton, VA 22827	District # 5

All Board Members shall serve during the term of their membership on the Board of Supervisors of Rockingham County, not to exceed four (4) years, which Members shall be deemed elected to the Authority Board upon their election to the Board of Supervisors. All Members of the Authority Board shall hold office until their successors have been duly elected and qualified and may succeed themselves. The terms of office of the first Members of the Authority Board shall begin on the date of the Certificate of Incorporation issued by the State Corporation Commission.

III. The purposes for which the Authority is created are: the acquisition, construction, operation and maintenance of a sewer system for the collection and transport of sewage within the area designated by the map titled "Penn Laird Sewer System", a copy of which map may be inspected at the office of the County Administrator of Rockingham County, Virginia, at 20 East Gay Street, Harrisonburg, Virginia, and for the purpose of exercising all of the powers conferred by the Virginia Water and Waste Authorities Act in relation to the foregoing.

IV. In compliance with Section 15.2-5103 of the Code of Virginia, 1950, as amended, the preliminary estimate of capital costs, so far as practicable, is hereby stated to be \$1,047,800; also in conformity with such Statute it is determined that an estimate of the initial rates for services is as follows:

First 3,000 gallons at \$20.00
Over 3,000 gallons at an additional \$7.00 per 1,000 gallons

IN WITNESS WHEREOF, the Board of Supervisors of Rockingham County, Virginia, have caused these Articles of Incorporation to be executed in its name by Charles W. Ahrend, its Chairman, as thereunto duly authorized.

This 27th day of October, 2004.

BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA

By _____
Charles W. Ahrend, Chairman

ATTEST:

County Administrator

Section Three: The Members of the Authority Board shall be composed of the then current members of the Board of Supervisors of Rockingham County, Virginia, and the names and addresses of the first Members of the Board of the Authority are as follows:

NAME OF MEMBER:	ELECTION DISTRICT
Pablo Cuevas	District # 1
Charles W. Ahrend	District # 2
Dee E. Floyd	District # 3
William B. Kyger, Jr.	District # 4
Michael A. Breeden	District # 5

All Board Members shall serve during the term of their membership on the Board of Supervisors of Rockingham County, not to exceed four (4) years, which Members shall be deemed elected to the Authority Board upon their election to the Board of Supervisors. All Members of the Authority Board shall hold office until their successors have been duly elected and qualified and may succeed themselves. The terms of office of the first Members of the Authority shall begin on the date of the Certificate of Incorporation issued by the State Corporation Commission.

Section Four: The Articles of Incorporation shall be executed on behalf of the Board of Supervisors of Rockingham County, Virginia, by the Chairman of the said Board, and the seal of the County shall be affixed thereto and attested by the County Administrator, and said Chairman is hereby authorized, empowered and directed to do all things necessary and appropriate to cause said Authority to be created under the provisions of the Act.

Section Five: As required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, a Public Hearing was held at 7:51 p.m., on the 27th day of October, 2004, at the Board of Supervisors' Hearing Room at the County Administrative Offices, 20 East Gay Street, Harrisonburg, Virginia.

Section Six: A copy of this resolution was published, as required by Section 15.2-5104 of the Code of Virginia, 1950, as amended, one time at least thirty (30) days prior to the date of the aforesaid public hearing in the Daily News Record, a newspaper of general circulation in Rockingham County, Virginia, together with a notice in substantially the above form.

Immediately following the aforesaid public hearing, or any adjournment thereof, the County Administrator will cause to be filed with the State Corporation Commission

Articles of Incorporation of Penn Laird Sewer Authority, together with the proof of publication of this resolution. Also, immediately following such public hearing, or any adjournment thereof, the Clerk of the Board will furnish the State Corporation Commission with a record of the proceedings in such hearings and, unless a referendum is ordered to be held by the governing body or ten percentum (10%) of the qualified voters of Rockingham County, the State Corporation Commission will be formally requested to act upon the issuance of a Certificate of Incorporation of Penn Laird Sewer Authority.

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COMMITTEE REPORTS.

The Board heard Committee reports by Board members and staff.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board awarded a contract for evaluation of the capacity of the McGaheysville Waste Water Treatment Plant to Peed & Bortz in the amount of \$14,110.

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RECESS.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board recessed the meeting for a meeting of the Smith Creek Water & Waste Authority from 8:49 to 8:56 p.m.

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INFORMATION ITEMS.

The Board received the following information items from the County Administrator.

- a. Letter dated October 19, 2004, from Culpeper County, advising that its Board of Supervisors has endorsed Supervisor Kyger's candidacy for second Vice-President of the Virginia Association of Counties.

- b. Invitation from VODT to dedication of arch crossing over Slate Lick Run in the George Washington National Forest on October 27, 2004.
- c. State Corporation Commission order for Notice and Hearing on alternative regulatory plan for Verizon
- d. Letter dated October 13, 2004, from VDOT regarding local administration of federally funded projects.
- e. September 2004 Water Report to State Health Department.
- f. Rent-Lease Payments Report for August 2004.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 9:05 p.m.

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Chairman